IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA Civil Action No. 1:19 cv-358

MAJOR BOYD WHITLEY,)
Plaintiff,)) MOTION FOR) EXTENSION OF TIME TO
vs.) ANSWER OR OTHERWISE) RESPOND
SHERIFF VAN SHAW, et al.,)
Defendants.)))

MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND

The defendants Sheriff Van Shaw, Captain M. Nesbitt and Lieutenant W. Wallace, through undersigned counsel, move the Court to extend the time by thirty (30) days in which to file an answer or otherwise respond to plaintiff's complaint, pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and Local Civil Rules 6.1(a) and 7.3(j). In support of this motion, counsel shows the Court that the plaintiff filed this complaint in the United States District Court for the Middle District of North Carolina on April 1, 2019, the summons were issued on June 20, 2019 and these three defendants were not served before July 2, 2019.

Counsel for these defendants needs additional time to review the facts of and applicable law relating to this alleged situation and to prepare a response to the summons and complaint. The time to respond to the complaint is no earlier than July 23, 2019. Plaintiff is not represented by counsel.

WHEREFORE, Counsel respectfully prays the Court to enter an order extending the time for defendants Sheriff Van Shaw, Captain M. Nesbitt and Lieutenant W. Wallace to file an answer or otherwise respond to plaintiff's complaint for an additional thirty (30) days, up to and including August 22, 2019.

Respectfully submitted this the day of July, 2019.

/s/ Richard M. Koch

RICHARD M. KOCH Cabarrus County Attorney Attorney for the defendants State Bar No. 8360 3220-201 Prosperity Church Road Charlotte, North Carolina 28269 Telephone: 704-503-5700

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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA Civil Action No. 1:19-cv-358

Plaintiff) CERTIFICATE OF SERVICE
vs.	Š
SHERIFF VAN SHAW, et al.,)
Defendants.)·)·
	2019 pursuant to Fed. R.Civ. P. 5(b) and LCvR 5.3, I FOR EXTENSION OF TIME TO ANSWER and

electronically filed the foregoing MOTION FOR EXTENSION OF TIME TO ANSWER and ATTACHED PROPOSED ORDER with the Clerk of Court utilizing the CM/ECF system of the United States District Court for the Middle District of North Carolina that will send electronic notification of such filing to all registered users. I also certify that a paper copy has been mailed to the plaintiff on this date at the following address:

Major Boyd Whitley #25499 Cabarrus County Detention Center P.O. Box 790 Concord, NC 28026

This the 3 day of July, 2019.

/s/ Richard M. Koch
RICHARD M. KOCH
Cabarrus County Attorney
Attorney for the defendants
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